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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/626,535	07/27/2000	Donald F. Hooper	10559-137002 / P7876X	1214
20985 7590 11/13/2007 FISH & RICHARDSON, PC P.O. BOX 1022 MINNEAPOLIS, MN 55440-1022			EXAMINER ENG, DAVID Y	
			ART UNIT 2155	PAPER NUMBER
			MAIL DATE 11/13/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/626,535

Applicant(s)

HOOPER ET AL.

Examiner

DAVID Y. ENG

Art Unit

2155

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 October 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 3-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 3-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>10/25/2007</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim 2 has been cancelled previously. The active claims are 1 and 3-21 of which claims 1, 7 and 15 are independent claims.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1 and 3-21 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

With respect to independent claims, it is not clear whether the thread is for processing data blocks from the MAC device or for moving the incoming blocks from the MAC device to memory locations, or both. If it is both, it is not clear which one is performed first.

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1 and 3-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kahle (USP 6,212,542) in view of Belkin (USP 6,604,125).

Details of the rejections have already been set forth in the last Office action. The details are incorporated herein by reference thereto.

Further with respect to the amendment, it is well known that incoming data blocks from a network are inherently stored in memory locations, buffer in an I/O device or memory of a processor, before they are being accessed and processed by the processor.

Argument

In the last Office action, Allison's patent number is inadvertently entered as Belkin's patent number. The applied secondary reference is correctly identified as Belkin and the correct patent number is USP 6,604,125. The error is regretted.

With respect to the argument directed to the limitation "media access control device", note that in Belkin data is received from a network which is a media. The I/O device (inherent) in Belkin for receiving data from the network is a media access control device.

Claim Rejections - 35 USC § 103

Claims 1 and 3-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Belkin (USP 6,604,125) in view of Chang et al. (USP 6,338,078).

Claims 1, 7, 15

a method of processing network data in a processor (web server 106, Fig. 1) having multiple programmable multi-threaded engines (engines 120-126, Figure 1) integrated within the processor, the method comprising:

scheduling (assign scheduler, Fig. 4, column 4/line 66 to column 5/line18) a first thread provided by the multiple programmable multi-threaded engines integrated within

the processor to process a first incoming block of data within a network packet received at port of a media access control device ; and

scheduling a second thread provided by the multiple programmable multi-threaded engines integrated within the processor to process a second incoming block of data within the network packet prior to the first thread completing processing of the first incoming block of data.

The only difference is that Belkin does not specify that his network packet is received at a port of a device named media access device. Media access control device is well known in network communication art. Chang teaches media access control device in his network system (column 6/line 35). From the teaching of Chang, it would have been obvious to a person of ordinary skill in the art to use a MAC device in Belkin to access media.

Claims 3,

As to claim 3, it is well known that processor has state information. Storing and retrieving state information (addresses in memory program counter) is well known in computer art.

Claims 4-5

As to claims 4-5, memory pointer is nothing but a counter and is inherent in memory.

Claims 6,

Transmitting information, including state or any other information, between components of a processor is inherent in a computer system.

Claims 8-14, 18, 20-21

The "wherein clauses" merely consist of non-functional descriptive material.

Claims 16, 17

The system of Belkin has instructions also. What instructions are in a program is dependent on the function of the program.

Claim 19,

Port monitoring is inherent in data receiving. The system of Belkin is capable of receiving data also.

Conclusion

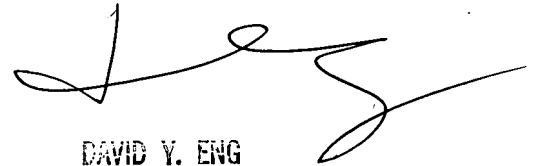
Any inquiry concerning this communication or earlier communications from the examiner should be directed to DAVID Y. ENG whose telephone number is 571-272-3984. The examiner can normally be reached on M-F from 8AM to 3PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, SALEH NAJJAR, can be reached on 571-272-4006. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR

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system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'D. Eng', with a stylized flourish extending to the right.

DAVID Y. ENG
PRIMARY EXAMINER